

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PARTNERWEEKLY, LLC,

Plaintiff,

v.

VIALE MARKETING CORP. and
CHAD ELIE,

Defendants.

2:09-CV-02120-PMP-VCF

ORDER

Presently before the Court is Defendants Viable Marketing Corp. (“Viable”) and Chad Elie’s (“Elie”) Rule 60(a) Motion to Correct Mistake, Oversight, or Omission (Doc. #57), filed on February 8, 2013. Plaintiff PartnerWeekly, LLC filed an Opposition (Doc. #58) on February 25, 2013. Defendants filed a Reply (Doc. #59) on March 7, 2013.

This Court previously issued an indicative ruling pursuant to Federal Rule of Civil Procedure 62.1(a)(3) stating that it would correct a mistake in the Judgment in this case pursuant to Rule 60(a) were an appeal not presently pending. (Order (Doc. #55).) The United States Court of Appeals since has granted Defendants leave to file a motion in this Court to correct the Judgment despite the pending appeal in this matter. (Order (Doc. #56).)

As this Court stated in its indicative ruling, the arbitration award which this Court confirmed was entered only against Defendant Viable, and did not include Defendant Elie. The Court therefore should not have confirmed the award as against Defendant Elie. Accordingly, the Court will grant Defendants’ Motion to Correct the Court’s prior Order (Doc. #42) to reflect that the arbitration award is confirmed as between Plaintiff PartnerWeekly, LLC and Defendant Viable Marketing Corp. only.

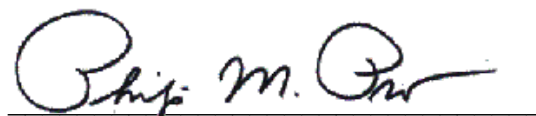
1 IT IS THEREFORE ORDERED that Defendants Viable Marketing Corp. and
2 Chad Elie's Rule 60(a) Motion to Correct Mistake, Oversight, or Omission (Doc. #57) is
3 hereby GRANTED.

4 IT IS FURTHER ORDERED that the Order (Doc. #42) is hereby amended to
5 reflect that the arbitrator's Order Granting Claimant's Motion for Summary Judgment dated
6 August 26, 2011 is CONFIRMED as between PartnerWeekly, LLC and Viable Marketing
7 Corp. only.

8 IT IS FURTHER ORDERED that Defendant Chad Elie shall file an answer or
9 otherwise respond to the Complaint within thirty (30) days from the date of this Order,
10 which may include the defenses or arguments raised in Defendants' reply brief that Plaintiff
11 PartnerWeekly, LLC's failure to pursue an alter ego claim against Chad Elie in the
12 arbitration proceedings precludes further litigation of that claim.

13 IT IS FURTHER ORDERED that pursuant to Federal Rule of Civil Procedure
14 54(b), there is no just reason for delay in entering final judgment as between
15 PartnerWeekly, LLC and Viable Marketing Corp.

16
17 DATED: March 15, 2013



PHILIP M. PRO
United States District Judge